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ATTORNEY DOCKET NO. 10017481 -1

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Blaine D. Gaither et al

Confirmation No.: 5798

Application No.: 10/004195

Examiner: Elmore, Reba

Filing Date: Oct 31, 2001

Group Art Unit: 2187

Title: Computer Performance Improvement By Adjusting A Time Used For Preemptive Eviction  
Of Cache Entries

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

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NOTICE OF APPEAL FROM THE EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES

JUN 03 2005

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, 04/04/2005, rejecting the following claims 1-8.  
The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

- ( ) (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:
- |                  |           |
|------------------|-----------|
| ( ) one month    | \$120.00  |
| ( ) two months   | \$450.00  |
| ( ) three months | \$1020.00 |
| ( ) four months  | \$1590.00 |

( ) The extension fee has already been filed in this application.

- (X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

- ( ) I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner for Patents, Alexandria, VA  
22313-1450. Date of Deposit: \_\_\_\_\_

OR

- (X) I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (703) 872-8306 on June 3, 2005

Number of pages: 1

Typed Name: Donna M Kraft

Signature: Donna M Kraft

Respectfully submitted,

Blaine D. Gaither et al

By A. W. Winfield  
Augustus W Winfield

Attorney/Agent for Applicant(s)  
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Date: June 3, 2005

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